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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,364	06/05/2001	Takao Murakami	Q64831	5781

7590 04/19/2004

SUGHRUE, MION ZINN, MACPEAK & sEAS, PLLC,
2100 Pennsylvania Avenue , N.W.
Washington, DC 20037

EXAMINER

ZARROLI, MICHAEL C

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,364

Applicant(s)

MURAKAMI ET AL.

Examiner

Michael C. Zarroli

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-42 is/are allowed.
- 6) ☒ Claim(s) 43-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>4/15/04</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “bending” indicated in claim 45 must be shown or the feature(s) canceled from the claim. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 43 objected to because of the following informalities: There’s a grammatical problem with the preamble phrase “attached a stud.” Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 43-44 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Its unclear in line one of claim 43 what is fitted. The examiner will assume it is the adaptor.

In claim 44 it is unclear what is meant by the recitation that the dimension of the flange is “at least identical” with an outer diameter of the cylindrical body. The examiner will interpret this to mean that the distance between opposite faces of the hex flange can get **no smaller** than “an outer diameter of the cylindrical body.”

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country, in public use, or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 43-44 (as best understood) rejected under 35 U.S.C. 102(b) as being anticipated by Wiesler.

Wiesler discloses (fig. 1) an adaptor attached to a stud bolt type battery post (10) and fitted with a battery terminal (14), comprising: a cylindrical body (21) which is screwed onto the battery post; and a flange portion (20 & 22) formed on a top portion of the cylindrical body (fig. 1) to be clamped by a screwing tool (26 & 28), wherein the flange portion is engaged with a top end face of the battery terminal (fig. 2). Wiesler discloses that the flange portion has a hexagonal shape (fig. 1) such that a dimension between opposite faces is **at least** identical with an outer diameter of the cylindrical body (fig. 2).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 45 rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al in view of related art figure 12.

Fukuda discloses a battery terminal which connects a terminal (B) provided with an electric wire and a stud bolt type battery post (A), comprising the steps of: providing a single metal plate (figures 2 or 8) including a first portion, a second

portion extended perpendicularly from a first end of the first portion, and a third portion extended perpendicularly from a second end of the first portion; bending the first portion into a substantially U-shape (at 20d fig. 2 for example) in a thickness direction thereof to form an adaptor fitting portion (e.g. 22) which accommodates the battery post therein; and bending the second and third portions so as to be overlapped with each other (e.g. fig. 1 at 21b) to form a seat (e.g. fig. 7 near 10f) portion on which the terminal provided with the electric wire is fixed.

Fukuda does not disclose that an adaptor is screwed onto the battery post.

Related art drawing 12 discloses an adaptor that is screwed onto the battery post.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the battery post of Fukuda to have threads so some type of adaptor could be fitted onto the post as taught by the related art drawing. The motivation/suggestion for doing so would have been to simplify the manufacture of the invention of Fukuda. By utilizing a battery post with threads that can accommodate various sizes of adaptors, you could eliminate the need for fastening bolt 25 and its complimentary components. Just select the appropriate size adaptor for the size of the fitting portion of Fukuda.

Allowable Subject Matter

9. Claims 1-42 are allowed over the prior art of record.
10. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art of record either alone or in combination discloses the combination in the independent claims specifically the structure and operation of the lever.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee et al teaches a battery post, terminal, adaptor cylindrical portion, and hex flange. Tabata (US 5498178, US 5584730) teach a single piece of sheet metal that is bent to form a battery adaptor. Halbach et al and Burnett also teach a single piece of sheet metal that is bent to form a battery adaptor.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Zarroli whose telephone number is 571-272-2101. The examiner can normally be reached on 7:30 to 3:30 M-F.

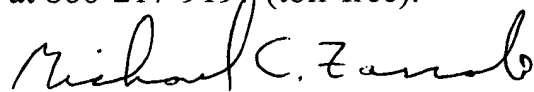
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Feild can be reached on (571) 272-2800 ext 39. The

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fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael C. Zarroli
Primary Examiner
Art Unit 2839

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